

commission of oyer and terminer might also issue to try breaches of the Acts of Trade or homicides, including those involving Indian offenders.¹⁶

Several acts conferred limited summary civil jurisdiction upon two justices of the peace, either exclusive or concurrent with the county court.¹⁷ In addition, two justices, among others, were authorized to take the acknowledgments of deeds necessary to convey real property or any interest therein.¹⁸ Single justices of the peace, as noted, had exclusive and final jurisdiction over small debts. They were also authorized to bind over to the Provincial Court or county court certain offenders (those spreading false reports, trading with servants or refusing to bear arms during a foreign invasion); to take custody of runaway servants; to issue certificates of delivery to inhabitants of other colonies returning runaway servants or freemen; to make awards for damage by horses or cattle to enclosed cornfields; to commit and punish persons refusing to take the oaths appointed by Parliament; to appoint persons to determine whether tobacco tendered should be regarded as discharge of a debt; and to administer oaths to those viewing orphan's estates.¹⁹ They had concurrent jurisdiction with the head officer of any town, city or borough to impose fines of 2 shillings sterling (later 5 shillings) for profane swearing or cursing in their presence.²⁰ They also had concurrent jurisdiction with the head officer of any county, city or town corporate to impose fines of 100 pounds of tobacco for certain violations of the Sabbath.²¹

In certain counties in which no specific persons were assigned to hear and determine personal differences between the Indians and the English inhabitants, such power was lodged in any justice of the peace. However, by virtue of a June 1697 act Colonel John Addison and William Hatton, a justice of the Provincial Court, were authorized to hear and determine all such personal differences that might happen or arise between "the Nations of Ackocick Nanjemoy Pomunky and Piscattoway and those that Inhabit within Charles and Prince Georges County and the English inhabitants thereunto adjacent", provided that such differences were only private and of no great moment or consequence, not tending to national concern. If either party desired to appeal to the Governor and Council or refused to perform any sentence given by the statutory appointees, the latter were to "transmitt the partys over" to the Governor and Council and to report thereon.²²

The Court of Chancery consisted of a Chancellor or Keeper of the Great Seal assisted by several commissioners appointed for the keeping of the Great Seal (or Broad Seal). In 1699 in accordance with a clause in his commission Governor

16. In January, 1696/7 Robert Goldsborough, one of his Majesty's councillors at law and one of the ablest lawyers in the province, was of the opinion that a special Commission of oyer and terminer could not be granted to try a breach of the Acts of Trade, having "read and perused the Statute of Westminster the Second, and my Lord Cokes comments thereon." However, Solicitor General Dent was of the opinion that the commission could issue under the "Constant practice and Constitution of this Province Consonant to the Laws of England." Attorney General Plater was of the opinion it "does well lye in this Case the same being Agreeable to Severall Commissions of this nature heretofore Granted upon such Occasions and alwaies allowed Legall." 20 *MA* 591-92. For the earlier practice see 19 *id.* 147, 156 (murder of master by servant), 385-86 (murder by Indians); 13 *id.* 320 (breach of Acts of Trade), 337-38 (murder by master of vessel); 22 *id.* 300-301, 386-87 (murders in Anne Arundel and St. Marys Counties).

17. 38 *id.* 106; 13 *id.* 484; 22 *id.* 504.

18. 13 *id.* 473; 22 *id.* 544.

19. 13 *id.* 439, 451; 22 *id.* 546; 13 *id.* 554; 22 *id.* 562; 13 *id.* 472; 22 *id.* 540; 13 *id.* 515; 38 *id.* 22; 13 *id.* 498.

20. 38 *id.* 82, 119; 22 *id.* 523.

21. 13 *id.* 426. Such jurisdiction was omitted from the 1696 act. 19 *id.* 426.

22. 38 *id.* 104-05.